

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

TYRONE CADE,	§	
Petitioner,	§	
	§	
v.	§	Civil Action No. 3:17-CV-03396-G
	§	
BOBBY LUMPKIN, Director,	§	DEATH PENALTY CASE
Texas Department of Criminal	§	
Justice, Correctional Institutions	§	
Division,	§	
Respondent.	§	

**RESPONDENT'S SECOND MOTION
FOR EXTENSION OF TIME WITH BRIEF IN SUPPORT**

This is a federal habeas corpus proceeding initiated by Petitioner Tyrone Cade, a death-sentenced Texas inmate, pursuant to 28 U.S.C. § 2254. On April 12, 2021, the Court ordered Cade to file a second amended petition within 90 days of its order; on June 28, 2021, the Court granted Cade his motion for extension of time to file his second amended petition by August 10, 2021. ECF Nos. 122, 124. Cade filed his second amended petition on August 10, 2021. ECF No. 127. On November 5, 2021, the Court granted Respondent Bobby Lumpkin's ("the Director") extension of time to file his response within sixty-days, up to and including January 7, 2022. ECF No. 129. For the reasons discussed below, the Director requests a sixty-day extension of time, to March 8, 2022, to file a responsive brief.

This is a capital federal habeas corpus proceeding with a voluminous record and complex legal issues that will necessitate extensive review and writing. The undersigned attorney was not involved in the prior proceedings in this Court. Therefore, the undersigned attorney requires additional time to carefully review the voluminous record—including 51 volumes of courtroom proceedings and the record from three state habeas proceedings—and to prepare an appropriate responsive pleading. Also, the undersigned attorney is currently assisting her colleague by answering 27 jury issues raised on direct appeal in *Lewis v. State*, No. AP-77,086, due before the Texas Court of Criminal Appeals on December 22, 2021, a deadline that has been extended once. To answer those issues, the undersigned reviewed 50 volumes of the record and drafted 65 pages of substantive briefing.

This is the Director's second request for an extension of time to respond to Cade's second amended petition. This request is not designed to harass Cade, nor to unnecessarily delay these proceedings, but to ensure that Cade's second amended petition is properly addressed. Accordingly, the Director respectfully requests a sixty-day extension to file his response to Cade's second amended petition and supporting memorandum.

Respectfully submitted,

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ATTORNEYS FOR RESPONDENT

CERTIFICATE OF CONFERENCE

On December 13, 2021, Counsel for Cade has indicated that he is not opposed to this motion.

s/ Cara Hanna
CARA HANNA
Assistant Attorney General

CERTIFICATE OF SERVICE

I do hereby certify that on December 28, 2021, I electronically filed the foregoing document with the Clerk of the Court for the U.S. District Court, Northern District of Texas, using the electronic case-filing system of the Court. The electronic case-filing system sent a “Notice of Electronic Filing” (NEF) to the following counsel of record, who consented in writing to accept the NEF as service of this document by electronic means:

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